

REMARKS

The Office Action dated February 24, 2006, has been received and carefully noted. The following remarks are submitted as a full and complete response thereto.

Claims 1-29 are currently pending in the application, of which claims 1, 4, 15, and 19 are independent. Claims 1-14 and 19-29 have been indicated as allowed. Claims 15-18 are respectfully submitted for consideration

Claims 15-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,295,449 of Westerlage et al. ("Westerlage") in view of U.S. Patent No. 5,815,561 of Nguyen et al. ("Nguyen"). The Office Action took the position that Westerlage discloses a method of controlling access in a wireless telecommunication system that comprises first and second wireless telecommunications networks connected together and located in physically separate respective first and second sites, but no the remaining features of claim 15. The Office Action supplied Nguyen to remedy the deficiencies of Westerlage. Applicants respectfully traverse this rejection.

Claim 15, upon which claims 16-18 and 26-29 depend, is directed a method of controlling access in a wireless telecommunications system. The wireless telecommunications system includes first and second wireless telecommunications networks connected together and located in physically separate respective first and second sites. The method includes storing identities of wireless terminals at the second site in a first site link access control unit. The method also includes using the stored

identities to permit a call made at the first site to wireless terminals at the second site to be routed from the first site to the second site over a data link of which use is restricted between the first network and the second network. The method further includes connecting the call between the first network and the second network over the data link.

Applicants respectfully submit that the cited combination of Westerlage and Nguyen does not disclose or suggest all of the elements of any of the presently pending claims.

Westerlage generally relates to data messaging in a communications network using a feature request. As explained at column 2, lines 8-17, Westerlage's invention revolves around messaging units that can send data messages using the cellular telephone network by communicating a feature request having information on a monitored item. At column 5, lines 4-15, Westerlage indicates that data link 36 allows data transfer between MTSOs of cellular systems in a network 10. This link is a backbone link.

Claim 15 recites "using the stored identities to permit a call made at the first site to wireless terminals at the second site to be routed from the first site to the second site over a data link of which use is restricted between the first network and the second network." The Office Action admitted that Westerlage does not disclose or suggest at least this feature of the present invention. The Office Action therefore supplied Nguyen.

Nguyen also does not disclose or suggest "using the stored identities to permit a call made at the first site to wireless terminals at the second site to be routed from the first

site to the second site over a data link of which use is restricted between the first network and the second network” as recited by claim 15.

Nguyen generally relates to a method and system for providing a demarcated communication service. As explained at column 5, line 66 to column 6, line 26, Nguyen’s invention revolves around demarcating cost or duration of a call using an audible demarcation such as a beep or tone (for example, 1 minute or 1 dollar could be indicated by one beep, 2 minutes or 2 dollars could be indicated by 2 beeps, and so on). In Nguyen, as explained at column 4, line 59 to column 5, line 6, network elements participating in a transaction need to use memory to maintain each open transaction. Nguyen notes that if a large number of open transactions are maintained, a large amount of memory can be expended.

The Office Action suggested that Nguyen, at column 4, lines 63-67, discloses “using the stored identities to permit a call made at the first site to wireless terminals at the second site to be routed from the first site to the second site over a data link of which use is restricted between the first network and the second network” as recited by claim 15. However, the cited discussion of Nguyen provides no discussion of the use of any data link “of which use is restricted.” Moreover, as column 4, lines 39-41, what is stored in memory by Nguyen are transaction IDs, not identities of wireless terminals. Accordingly, it is respectfully submitted that Nguyen does not disclose or suggest “using the stored identities to permit a call made at the first site to wireless terminals at the second site to be routed from the first site to the second site over a data link of which use

is restricted between the first network and the second network” as recited by claim 15. Accordingly, it is respectfully requested the rejection of claim 15 be withdrawn, because Nguyen does not remedy the deficiencies of Westerlage. Thus, the combination of Westerlage and Nguyen does not disclose or suggest all of the elements of the claim.

Claims 16-18 depend from claim 15 and recite additional limitations. Accordingly, it is respectfully submitted that claims 16-18 recite subject matter that is neither disclosed nor suggested by the combination of Westerlage and Nguyen. It is respectfully requested that the rejection of claims 16-18 be withdrawn.

Moreover, the combination of Westerlage and Nguyen is improper hindsight combination. The Office Action begins with the template of claim 15 and tries to reconstruct the invention within that template. To protect against such invalid and inappropriate hindsight reconstruction, the Federal Circuit has ruled that references cannot be selected, and selected elements from selected references cannot be combined, without some suggestion, motivation, or teaching that would render obvious that selection and that combination. *See, e.g., Karsten Mfg. Corp. v. Cleveland Golf Co.*, 242 F.3d 1376, 1385, 58 USPQ2d 1286, 1293 (Fed. Cir. 2001) (“In holding an invention obvious in view of a combination of references, there must be some suggestion, motivation, or teaching in the prior art that would have led a person of ordinary skill in the art to select the references and combine them in the way that would produce the claimed invention.”); and *Brown & Williamson Tobacco Corp. v. Philip Morris Inc.*, 229 F.3d 1120, 1124-25 (Fed. Cir. 2000) (“a showing of a suggestion, teaching, or motivation

to combine the prior art references is an ‘essential component of an obviousness holding’”).

The Office Action asserted that it would have been obvious to combine the references “in order to provide cost limiting communications and services.” The Office Action does not provide any citation for this alleged motivation, and the alleged motivation does not come from the cited references. Applicants thus respectfully traverse the Office Action’s assertion of motivation to combine the references, because it is not based on evidence. The only basis of record for producing what is claimed in claim 15 is the present application. Using the present application as the basis for combination, however, is improper hindsight reconstruction. Accordingly, for this additional reason, it is respectfully requested that the rejection of claims 15-18 be withdrawn.


With regard to the Examiner’s reasons for allowance, it is respectfully noted that claims 26-29, which have been allowed, do not depend from and therefore do not necessarily include the same limitations as claims 1, 4, and/or 19. Claims 26 and 28 depend directly from claim 15, and claims 27 and 29 depend respectively from claims 26 and 28.

For the reasons explained above, it is respectfully submitted that each of claims 15-18 recites subject matter that is neither disclosed nor suggested in the cited references. Claims 1-14 and 19-26 have already been allowed. It is, therefore, respectfully requested that all of claims 1-29 be allowed, and that this application be passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,


Peter Flanagan
Registration No. 58, 178

Customer No. 32294
SQUIRE, SANDERS & DEMPSEY LLP
14TH Floor
8000 Towers Crescent Drive
Tysons Corner, Virginia 22182-2700
Telephone: 703-720-7800
Fax: 703-720-7802

PCF:kmp

Enclosures: Petition for a One Month Extension of Time
Check No. 14647